United Nations S/AC.52/2015/1

Security Council

Distr.: General
22 September 2015

Original: English

Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya

Note verbale dated 22 September 2015 from the Permanent Mission of the Bahamas to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Commonwealth of the Bahamas to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya and has the honour to transmit herewith the report submitted to the Committee by the Government of the Commonwealth of the Bahamas pursuant to resolution 1970 (2011), paragraphs 9, 10, 15 and 17 (see annex).

The Government of the Commonwealth of the Bahamas stands ready to provide the Committee with other information as necessary, or if requested by the Committee.

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Annex to the note verbale dated 22 September 2015 from the Permanent Mission of the Bahamas to the United Nations addressed to the Chair of the Committee

Report of the Commonwealth of the Bahamas on the implementation of paragraphs 9, 10, 15 and 17 of resolution 1970 (2011)

1. In paragraph 25 of its resolution 1970 (2011), adopted on 26 February 2011, the Security Council called upon all Member States to report to the Committee within 120 days of the adoption of the resolution on the steps they had taken with a view to implementing effectively paragraphs 9, 10, 15 and 17.

2. In accordance therewith, and following the adoption of relevant provisions by the Extraordinary Official Gazette Order of the Bahamas dated 23 May 2011, signed by the then Governor-General, Arthur Foulkes, the Commonwealth of the Bahamas took appropriate actions to implement the measures put in place by the Council in its resolution 1970 (2011) within the mandated 120-day period, including the arms embargo, the asset freeze and the travel ban. In its subsequent deliberations, the Council modified the provisions of resolution 1970 (2011) through a series of resolutions, beginning with resolution 1973 (2011), and including resolutions 2009 (2011) and 2016 (2011), by which, respectively, it partially lifted the sanctions against Libya and lifted the no-fly zone (collectively referred to as "the modified sanctions regime"). In accordance with international obligations, as mandated by the modified sanctions regime, an Extraordinary Official Gazette Order, dated 17 December 2014, was signed by the Governor-General, Marguerite Pindling. The Government of the Commonwealth of the Bahamas would like to bring to the Council's attention the following complementary information on measures taken with a view to the implementation of the modified sanctions regime:

Arms embargo

3. The Extraordinary Official Gazette Order Statutory Instrument No. 17 of 2014 serves as the basis for the Bahamas' compliance with the arms embargo against Libya, imposed by the Council in its resolution 1970 (2011) and modified by its resolution 1973 (2011). It states that no person in the Bahamas and no Bahamian outside the Bahamas shall directly or indirectly:

(a) Supply, sell or transfer to Libya by way of a Bahamian registered vessel or aircraft:

(i) Arms and related materiel, i.e., any type of weapon, ammunition, military vehicle or military or paramilitary equipment and the spare parts for those weapons and equipment, in particular man-portable surface-to-air missiles;

(ii) Technical assistance, i.e., any form of assistance, such as providing instruction, training, consulting services or technical advice or transferring know-how or technical data, financial assistance or other assistance relating to military activities, including the provision of armed mercenary personnel, i.e., any person who is specifically recruited locally or abroad to use arms and related materiel in Libya, any person who uses arms and related materiel in Libya and is motivated essentially by the desire for private gain, any person

who is not a member of the Libyan armed forces, any person who has not been sent to Libya by a State on official duty as a member of that State's armed forces, or the provision, manufacture, maintenance or use of arms and related materiel;

(b) Import or procure from any person in Libya or any national of Libya, by way of a Bahamian registered vessel or aircraft, arms and related materiel.

4. Order Statutory Instrument No. 17 of 2014 does not prohibit:

(a) The supply of non-lethal military equipment intended solely for humanitarian or protective use and related technical assistance or training;

(b) Protective clothing, including flak jackets and military helmets, temporarily exported to Libya by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;

(c) The supply, sale or transfer to Libya of:

(i) Arms and related materiel of all types, including technical assistance, training, financial and other assistance, intended solely for security or disarmament assistance of the Libyan authorities;

(ii) Small arms, light weapons and related materiel temporarily exported to Libya for the sole use of United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, notified to the Sanctions Committee in advance and in the absence of a negative decision by the Committee within five working days of such notification;

(d) Other sales or supply of arms and related materiel, or provision of assistance or personnel, as approved in advance by the Committee.

Asset freeze

5. The Bahamas has taken the necessary measures to implement the asset freeze provided for in resolutions 1970 (2011) and 1973 (2011). Extraordinary Official Gazette Order Statutory Instrument No. 17 of 2014 implements the provisions contained in paragraph 17 of resolution 1970 (2011), as modified by resolution 1973 (2011). Paragraph 4 of Instrument No. 17 states that no funds, other financial assets and economic resources held in banks or financial institutions licensed in the Bahamas that are owned or controlled, directly or indirectly by:

(a) Persons or entities listed in paragraph 17 of resolution 1970 (2011);

(b) Any additional person or entity designated by the Committee established under paragraph 24 of resolution 1970 (2011) shall be made available to a person or entity mentioned in subparagraphs (a) and (b), or to a person or entity acting on behalf of, or at the direction of, a person or entity mentioned in subparagraphs (a) and (b).

6. Notwithstanding paragraph 5 above, funds, other financial assets and economic resources held in banks or financial institutions licensed in the Bahamas that are owned or controlled, directly or indirectly, by the Central Bank of Libya, the Libyan Arab Foreign Bank, the Libyan Investment Authority and the Libyan

Africa Investment Portfolio, frozen on 16 September 2011 pursuant to measures imposed by paragraph 17 of resolution 1970 (2011), shall remain frozen unless subject to an exemption as set out in paragraphs 19, 20 or 21 of resolution 1970 (2011).

7. Order Statutory Instrument No. 17 of 2014 does not prohibit persons or entities listed in paragraph 17 of resolution 1970 (2011), as modified by paragraph 15 of resolution 2009 (2011), from accessing funds, other financial assets and economic resources, as may be determined by the Minister based on the conditions specified in paragraph 19 of resolution 1970 (2011), necessary for basic and extraordinary expenses and activities or the subject of judicial, administrative or arbitral lien or judgement or the exemptions enumerated in paragraph 16 of resolution 2009 (2011).

Travel ban

8. Under the applicable provisions of the Immigration Act, chapter 191, part V subsection 24 (b), the Bahamas has the necessary authority to prevent the entry into or transit through the Bahamas' territories of individuals listed in annex I to resolution 1970 (2011) or annex I to resolution 1973 (2011) or designated by the Committee established pursuant to resolution 1970 (2011) concerning Libya, provided that those individuals are not citizens or permanent residents of the Bahamas, by entering the person's name on a stop list.